



**GOVERNOR'S OFFICE OF EMERGENCY SERVICES**  
**LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

3650 SCHRIEVER AVENUE  
MATHER, CALIFORNIA 95655  
(916) 324-9101  
FAX: (916) 327-5674



August 1, 2007

TO: ALL INTERESTED PARTIES

SUBJECT: REQUEST FOR PROPOSAL FOR THE TRIBAL RESOURCE SPECIALIST PROGRAM

The Governor's Office of Emergency Services (OES) is pleased to announce the Request for Proposal (RFP) for the Tribal Resource Specialist (TS) Program. The purpose of the Program is to fund three Native American projects to facilitate the development of formal linkages, protocols, and resources between local, county, state, federal judicial systems, and the tribes. The Tribal Resource Specialist Program will serve as a central point for three counties or regions in California and will help streamline referrals of Native American children identified as at risk of child abuse and/or neglect or already experiencing these incidents.

The grant period will begin January 1, 2008 and end December 21, 2008. The amount of funds available for the Tribal Resource Specialist Program for Federal Fiscal Year (FFY) 2007/2008 is \$300,000; each project is eligible for \$100,000. Continuation funding is contingent on the availability of the Children's Justice Act funds, successful project performance, and compliance with the Grant Award Agreement.

A copy of the RFP can be obtained from the OES website [www.oes.ca.gov](http://www.oes.ca.gov). However, a hard copy of the Tribal Resource Specialist Program RFP may be requested, if the applicant intends to complete the Proposal by using a typewriter. A hard copy may be requested by contacting Norine Hegy, Senior Program Specialist, at (916) 327-8700.

This document is designed to be interactive electronically with fillable forms which are available on the OES website in "Forms" at [www.oes.ca.gov](http://www.oes.ca.gov). Users need to use Adobe Reader 8.0 (free software) in order to access and save the text of their completed forms. A link to Adobe is provided at the bottom of each "Forms" page.

The proposal must be postmarked by **5:00p.m. on Friday, September 28, 2007** to:

Governor's Office of Emergency Services-LEVS Division  
Victim Justice Section  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Tribal Resource Specialist Program RFP

A hand delivered proposal must be received by OES before **5:00 p.m. on Friday, September 28, 2007**. Please refer to Part I, Section C, Proposal Due Date and Submissions Options for instructions regarding hand delivery.

Should you need additional assistance, please contact Norine Hegy, Program Specialist, Victim Justice Section, at (916) 323-7615 or [norine.hegy@oes.ca.gov](mailto:norine.hegy@oes.ca.gov).

Sincerely,

SCOTT B. FRIZZIE  
Deputy Director

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**TRIBAL RESOURCE SPECIALIST PROGRAM  
COMPETITIVE REQUEST FOR PROPOSAL**

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- IV. **FORMS** - Click (FORMS) to get the required forms listed below, **or** go to [www.oes.ca.gov](http://www.oes.ca.gov) and select “Forms”, **or** paste the following link into your browser:  
**[www.oes.ca.gov/Operational/OESHome.nsf/CJPDHome?OpenForm](http://www.oes.ca.gov/Operational/OESHome.nsf/CJPDHome?OpenForm)**

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**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**TRIBAL RESOURCE SPECIALIST PROGRAM  
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**PART I – INFORMATION**

**A. INTRODUCTION**

This Request for Proposal (RFP) provides the information and forms necessary to prepare a proposal for the Governor's Office of Emergency Services (OES) grant funds. The terms and conditions described in this RFP supersede previous RFPs and conflicting provisions stated in the *Recipient Handbook*. The *Recipient Handbook* provides helpful information for developing the proposal and can be accessed at the website, [www.oes.ca.gov](http://www.oes.ca.gov), by selecting "Recipient Handbooks."

**B. CONTACT INFORMATION**

Questions concerning this RFP, the application process, or programmatic issues, should be submitted by fax or e-mail.

Norine Hegy, Senior Program Specialist  
Tel: (916) 327-8700  
Fax: (916) 327-5674  
[norine.hegy@oes.ca.gov](mailto:norine.hegy@oes.ca.gov)

Contact information is provided above; however, OES staff cannot assist the applicant with the actual preparation of its proposal. During the period of time between the publication date of the RFP and the date the competitive proposal is due, OES can only respond to technical questions about the RFP submitted by telephone, fax, or e-mail.

**C. PROPOSAL DUE DATE AND SUBMISSION OPTIONS**

***One original and three copies*** of the proposal must be delivered to OES' Law Enforcement and Victim Services Division by the date and time indicated below.

***A late proposal will be deemed ineligible for funding.***

Submission options are:

1. Regular or overnight mail, **postmarked by September 28, 2007** to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Norine Hegy – Victim Justice Section (TS Program)

2. Hand delivered by **5:00 p.m. on September 28, 2007** to:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: Norine Hegy – Victim Justice Section (TS Program)

**D. ELIGIBILITY**

Federally recognized California Indian Tribes, consortiums of federally recognized tribes, and councils for federally recognized tribes are eligible to apply for this funding.

**E. FUNDS**

The Tribal Resource Specialist Program is a three-year program funded with federal Children Justice Act (CJA) funds. The total amount available for the first year of the program is \$300,000. It is anticipated that three projects will be selected for funding, one from each of three geographical regions: Northern, Central, and Southern California. The funds available through this RFP are for the grant period of January 1, 2008 through December 31, 2008. There are no match requirements to obtain these funds. It is anticipated the selected applicants will receive \$100,000 per year for three years; however continuation funding is contingent upon availability of funds, compliance with program requirements, and project performance.

Federal Children Justice Act funds must be used to improve the investigation, prosecution, and judicial handling of cases of child abuse and neglect. The overall goal of the CJA is to reduce systemic trauma to children who are victims of child abuse, sexual abuse and exploitation, and preserve the right of all parties involved in the investigation of such cases.

**F. PROGRAM INFORMATION**

The purpose of the Tribal Resource Specialist Program is to support the development of formal linkages, protocols and resources between local, county, state, and federal judicial systems, and the tribes. The Program will fund tribal projects to serve as central points of coordination in three regions or counties of California to help streamline the referral system for Native American children identified as at-risk of or already experiencing child abuse and/or neglect. The experience and expertise gained by each of the three funded projects will result in the development of final reports with recommendations which may assist other counties, states, and tribes to more effectively serve ICWA cases.

Funding through the Tribal Resource Specialist Program will allow specially-trained, knowledgeable tribal experts to be selected to serve as staff to the projects. The funded projects will be required to track each Indian Child Welfare Act (ICWA) case in collaboration with the existing ICWA program, collect data, and identify key areas tribal and non-tribal agencies need to consider when serving Native American children. The three projects will be expected to meet collectively twice a year to discuss statewide improvements and begin developing local protocols and training manuals. The specific year-one objectives for this Program are outlined in Part II (Instructions) of this RFP.

The long term goal of the Tribal Resource Specialist Program is to increase the efficiency of tribal notification and court determination for tribal children as well as reduce the amount of time waiting for responses by tribes during the notification process.

#### **G. PREPARING A PROPOSAL**

The Table of Contents contains a link to a Proposal Cover Sheet. Please complete the Proposal Cover Sheet and attach it to the front of your proposal.

The following nine components are required for a complete proposal:

- Proposal Cover Sheet;
- Grant Award Face Sheet (OES A301);
- Project Contact Information;
- Certification of Assurance of Compliance;
- Signature Authorization and Instructions;
- Preference Points Certification Form;
- Project Narrative;
- Budget Narrative and the Project Budget (OES A303a-c); and
- Proposal Appendix (*refer to Part II, C.*).

**NOTE: Failure to include the required components may result in a reduced score or disqualification. OES will *not* advise the applicant the proposal is incomplete prior to rating or disqualification.**

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
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**TRIBAL RESOURCE SPECIALIST PROGRAM  
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**PART II – INSTRUCTIONS**

The instructions in this section correspond to each of the proposal components and to the forms required to complete the proposal.

The applicant must use the forms provided in *Forms* ([FORMS](#)) and plain 8½" x 11" white paper for the proposal. The blank Project and Budget Narrative pages on the website have been pre-formatted to OES standards. If you create your own computer-generated Project and Budget pages, the format must duplicate the OES pre-formatted pages and not allow the applicant more space than provided on the OES forms. The applicant must ensure information requested by the RFP instructions is included in the appropriate section of the proposal to receive credit. If a space limitation is specified for a component, strict adherence to the space limitation is required to avoid a reduction in the proposal's score.

Copies of the proposal must be assembled separately and individually fastened in the upper left corner. ***Do not bind proposal.***

**Failure to comply with these spacing/formatting requirements is one of the factors which may negatively impact the applicant's comprehensive assessment score.**

**A. PROJECT NARRATIVE**

The project narrative is the main body of information describing the problem to be addressed, the plan to address the identified problem through appropriate and achievable objectives and activities, and the ability of the applicant to implement the proposed plan.

**1. Problem Statement**

Provide a brief statement of the problem and the need for the Tribal Resource Specialist Program to bridge communication between county and tribal governments regarding child welfare services for Native American children. Include a description of the current system's response to the problem, how the Tribal Resource Specialist Program funding will address the problem, and the target population to be served.

**2. Plan and Implementation**

**Plan:** Describe how each of the Tribal Resource Specialist Program objectives listed below will be addressed, including the specific activities necessary to accomplish each of the objectives as well as the timeframe for completion. Also include a statement for each objective describing the documentation procedures and/or source documentation to be used to demonstrate how each objective was achieved.



The following is a description of each of the Program objectives for **Year 1**, which must be included in the proposal:

**Objective 1: Hire Adequate and Qualified Program Staff**

Describe the qualifications, experience, and expertise necessary for the position. Include a description of job duties and scope of work and indicate the time frame for filling the position.

**Objective 2: Establish Formal Linkages**

Describe how the applicant will establish linkages with the relevant agencies that serve as a point of contact regarding information on child welfare services for Native American children within the target service area. Provide a list of agencies that are considered to be critical partners in the provision of Indian child welfare services. NOTE: Applicants selected for funding will be required to submit Operational Agreements (OAs) with each of the agencies involved, clearly defining the roles of the program staff and the agencies' willingness to cooperate and engage in the regular exchange of information; these OAs will be due to OES by the end of the third month of the grant period (See Part II, Section C for information on sample operational agreements).

**Objective 3: Case Management of Indian Child Welfare Act (ICWA) Cases**

The Tribal Resource Specialist Program funded applicants will be required to work collaboratively with relevant agencies to assist in facilitating communication and collaboration among the courts, agencies, and tribes in considering the best outcomes for Native American children. Describe how the applicant proposes to track each ICWA case and Native American children navigate the child protective services system stem.

**Objective 4: Streamline Referrals**

Describe how the applicant plans to help streamline referrals for Native American children identified as at-risk of or already experiencing child abuse and/or neglect. In addition, describe the applicant's plan to help identify gaps in the existing service delivery and where improvements are necessary.

**Objective 5: Local Written Protocols**

Describe how the applicant plans to assist in the development of local written protocols to improve the exchange of information, coordination, and handling of Indian child welfare cases.

**Objective 6: Preparing Final Report with Recommendations and Training Manual**

Describe how the applicant plans to document and maintain data/information gained during the 3-year grant period for inclusion in a final report to be submitted at the end of the 3<sup>rd</sup> year of funding. Describe the systems that will be developed to track the issues, challenges, best practices that will culminate in a final report.

**Implementation:** Provide a brief description of the applicant's agency's ability to implement the Tribal Resource Specialist Program. Include the following:

- Information about the applicant agency, including the size, composition, primary mission, range and focus of services, and the role of this project within the agency;
- The history, knowledge, and experience of the applicant agency to work with county and tribal child protective service agencies to support effective implementation of the Program

and serve as the lead agency on issues related to child abuse, child welfare, and ICWA; and

- The duties, responsibilities, time commitments, and the qualifications of staff assigned to the project.

## **B. PROJECT BUDGET**

The purpose of the project budget is to demonstrate how the applicant will implement the proposed plan with the funds available through this program. The budget is the basis for management, fiscal review, and audit. Project costs must be directly related to the objectives and activities of the project. The budget must cover the entire grant period. In the budget, include **only** those items covered by grant funds including match funds when applicable. Projects may supplement grant funds with funds from other sources. However, since approved line items are subject to audit, applicant should not include in the project budget matching funds (if applicable) in excess of the required match. Budgets are subject to OES modifications and approval.

OES requires the applicant to develop a **line item** budget which will enable the project to meet the intent and requirements of the program and ensure the successful and cost effective implementation of the project. The applicant should prepare a realistic and prudent budget avoiding unnecessary or unusual expenditures which detract from the accomplishment of the objectives and activities of the project. The following information is provided to assist in the preparation of the budget. Strict adherence to required and prohibited items is expected. **Where the applicant does not budget for a required item, the applicant assumes responsibility.** Failure of the applicant to include required budget items does not eliminate responsibility to comply with those requirements during the implementation of the project. The applicant should refer to the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting: "Recipient Handbooks" for additional information concerning OES budget policy or to determine if specific proposed expenses are allowable. Contact the person listed on page 1-subsection B of this RFP if you have additional budget questions.

### **1. Budget Narrative**

The applicant is required to submit a narrative with the project budget. The narrative must be typed and placed in the proposal in front of the budget pages. In the narrative describe:

- How the project's proposed budget supports the objectives and activities.
- How funds are allocated to minimize administrative costs and support direct services.
- The duties of project-funded staff including qualifications or education level necessary for the job assignment. This does not take the place of the brief justification required in the line item budget.
- How project-funded staff duties and time commitments support the proposed objectives and activities.
- Proposed staff commitment/percentage of time to other efforts, in addition the time allocated to this project.
- The necessity for subcontracts and unusual expenditures.
- Mid-year salary range adjustments.

## 2. **Specific Budget Categories**

There is an Excel Workbook in *Forms* ([FORMS](#)) with spreadsheets for each of the following three budget categories:

- Personal Services – Employee Salaries/Benefits;
- Operating Expenses; and
- Equipment.

The left column of each budget category on the Spreadsheet requires line item detail including the calculation and justification for the expense. Enter the amount of each line item and match in the correct column of the Budget Category form. The spreadsheet will add each addition and round off the nearest whole dollar. You may add extra rows if necessary, the spreadsheets total at the end of each budget category and total the three spreadsheets at the bottom of the last page (Equipment). The total of the budget including each funding source and/or match amount must correspond to the amount of the Total Project Cost (Block 10G) on the Grant Award Face Sheet.

The bottom of the Equipment Category form contains a format for identifying the project total and fund distribution. This section must be completed and submitted even if there are no line items identified in the equipment category.

### **a. Personal Services – Salaries/Employee Benefits (OES A303a)**

#### 1) Salaries

Personal services include services performed by project staff directly employed by the applicant and must be identified by position and percentage of salaries. They may be salaried or hourly, full-time or part-time positions. Sick leave, vacation, holidays, overtime, and shift differentials must be budgeted as salaries. If the applicant's personnel have accrued sick leave or vacation time prior to the approval of grant funding, they may not take time off using project funds. Salaries for staff not directly employed by the applicant must be shown as participating staff (see *Recipient Handbook*, Section 4500) in the Operating Expenses Category. Consultant services remain under Operating Expenses (refer to Part II, B.2.b. - Operating Expenses - paragraph two.)

#### 2) Benefits

Employee benefits must be identified by type and percentage of salaries. The applicant may use fixed percentages of salaries to calculate benefits. Budgeted benefits cannot exceed those already established by the applicant.

Employer contributions or expenses for social security, employee life and health insurance plans, unemployment insurance, and/or pension plans are allowable budget items. Benefits, such as uniforms or California Bar Association dues are allowable budget items if negotiated as a part of an employee benefit package.

A line item is required for each different position/classification, but not for each individual employee. If several people will be employed full-time or part-time in the same position/classification, provide the number of full-time equivalents (e.g., three half-time clerical personnel should be itemized as 1.5 clerical positions).

**b. Operating Expenses (OES A303b)**

Operating expenses are defined as necessary expenditures other than personal salaries, benefits and equipment. Such expenses may include specific items directly charged to the project, and in some cases, when permitted by the funding source, an indirect cost allowance. The expenses must be grant-related (e.g., to further the program objectives as defined in the grant award) and be encumbered during the grant period.

The following items fall within this category: consultant services such as subcontractors, participating staff who are not employed by the applicant, travel, office supplies, training materials, research forms, equipment maintenance, software equipment rental/lease, telephone, postage, printing, facility rental, vehicle maintenance, answering service fees and other consumable items. Furniture and office equipment with an acquisition cost of less than \$5000 (including tax, installation, and freight) and/or with a useful life of less than one year fall within this category. Otherwise, these fall under equipment expenses.

Salaries for staff not directly employed by the applicant must be shown as consultant and/or participating staff costs (whichever is applicable per *Recipient Handbook* Sections 3710 and 4500) under the Operating Expenses category. These costs must be supported by an Operational Agreement (OA), which must be kept on file by the recipient and made available for review during an OES site visit, monitoring visit, or audit. In the case of grants being passed through a recipient to be operated by another agency, the staff from the second agency will be shown in the Operating Expenses Category.

Budget for anticipated training related to the project. The applicant must include sufficient per diem and travel allocations for person(s) to attend **two** required OES training workshops.

**c. Equipment (OES A303c)**

Equipment is defined as nonexpendable tangible personal property having **a useful life of more than one year** and an acquisition cost of \$5000 or more per unit (including tax, installation, and freight).

A line item is required for different types of equipment, but not for each specific piece of equipment (e.g., three laser jet printers must be one line item, not three).

## C. **PROPOSAL APPENDIX**

The proposal appendix provides OES with additional information from the applicant to support components of the proposal. The following must be included:

- Organizational Chart: The Organizational Chart should clearly depict the structure of the applicant organization and the specific unit within the organization responsible for the implementation of the project. This chart should also depict supporting units within the organization (e.g., the Accounting Unit) and the lines of authority within the organization. Job titles on the Organizational Chart must match those in the Budget and Budget Narrative.
- List of Operational Agreements (OAs) that will be submitted by the end of the 3<sup>rd</sup> month if the applicant is awarded funding. OAs must contain original signatures, titles, and agency names for both parties and include dates effective for the proposed grant period. These documents must demonstrate a formal system of networking and coordination with other agencies and the applicant. A sample OA is provided in *Forms* ([FORMS](#)).
- Project Summary
- Noncompetitive Bid Request (if applicable)
- Out of State Travel Request, OES 700 (if applicable)
- Project Service Area Information
- Computer and Automated Systems Purchase Justification Guidelines (if applicable)

## D. **PREFERENCE POINTS CERTIFICATION**

*California Government Code Section 7082* requires OES to give preference to applicants from areas in the state designated as Enterprise Zones. These are areas identified to receive state contract preference points due to high unemployment, lower incomes and population density. The goal of the Enterprise Zone Program is to stimulate growth in economically distressed areas. Five percent (5%) of the proposal's total score will be added to the proposal for the applicant specifically targeting a designated Enterprise Zone for services. Two percent (2%) of the applicant's total score will be added to the proposal for the applicant whose service area includes an Enterprise Zone, but does not specifically target the area for services.

Complete information concerning the Enterprise Zone Program is available on-line from the Housing and Community Development, Division of Financial Assistance web page at <http://www.hcd.ca.gov/fa/cdbg/ez/>. If the applicant is eligible for preference points, certification of eligibility by the appropriate agency must be provided. Self-certification is not allowed.

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**PART III – ADDITIONAL INFORMATION**

The applicant is strongly encouraged to review the following sections in preparing the proposal:

- A. Selection of Proposal for Funding
- B. Finalizing the Grant Award Agreement
- C. Administrative Requirements
- D. Budget Policy
- E. Glossary of Terms
- F. Rating Form (applicant is encouraged to review prior to submission of the proposal)
- G. Summary of Past Performance Policy

**A. SELECTION OF PROPOSAL FOR FUNDING**

**1. Proposal Rating**

Eligible proposals received by the deadline are generally rated by a three member team. The rater's scores are averaged and then ranked numerically. The Rating Form used for this process is included in this section and is for informational purposes only.

**2. Funding Recommendation**

Final funding decisions are made by the Director of OES. Funding recommendations are based on the following:

- the ranked score of the proposal;
- consideration of funding priorities or geographical distribution specific to this RFP; and
- prior negative administrative and programmatic performance, if applicable.

Projects previously funded by OES will be reviewed for poor past compliance, including fiscal management, progress and annual reports, audit reports, and other relevant documentation or information. This review may result in one or more of the following actions: a) the project may not be selected for funding; b) the amount of funding may be reduced; or c) grant award conditions may be placed in the Grant Award Agreement. See the attached Past Performance Policy for details.

**3. Notification Process**

Applicants will be notified in writing of the results of the rating process. Applicants not selected for funding will receive a denial letter containing their average score and information on the appeal process.

## **B. FINALIZING THE GRANT AWARD AGREEMENT**

### **1. Standard Project Funding Authority**

**Allocation of funds is contingent on the enactment of the State Budget.** OES does not have the authority to disburse funds until the budget is passed and the Grant Award Agreement is fully executed. Expenditures incurred prior to authorization are made at the project's own risk and may be disallowed. When the executed grant is received, and the State Budget is finalized, authorized expenditure reports may be submitted for reimbursement of expenditures incurred subsequent to the effective date of the grant award agreement.

If, during the term of the grant award, the state and/or federal funds appropriated for the purposes of the grant award are reduced or eliminated by the California Legislature or the United States Government, or in the event revenues are not collected at the level appropriated, OES may immediately terminate or reduce the grant award by written notice to the recipient. However, no such termination or reduction shall apply to allowable costs already incurred by the recipient to the extent state or federal funds are available for payment of such costs.

OES Grant Award Agreements are subject to applicable restrictions, limitations, or conditions enacted by the California Legislature and/or the United States Government, subsequent to execution of the Grant Award Agreement.

### **2. Processing Grant Awards**

#### **a. Grant Award Conditions**

OES may add grant award conditions to the Grant Award Agreement prior to or after funding. If conditions are added, these will be discussed with the applicant and a copy of the conditions will be sent to the grant recipient when the conditions are made part of the Grant Award Agreement. Grant award conditions may include requirements for sole source justification, a computer feasibility study, or other requirements deemed necessary by OES.

#### **b. Grant Award Agreement**

A copy of the executed Grant Award Agreement and pertinent attachments will be sent to the Project Director. The applicant is not authorized to incur costs against the grant until a copy of the fully executed Grant Award Agreement is received. When the executed grant is received, the Report of Expenditures and Request for Funds (OES 201) may be submitted for reimbursement.

#### **c. Grant Award Amounts**

When the amount of funds available is limited, OES may reduce the amount of the grant award from the amount requested by the applicant. In addition, OES reserves the right to negotiate budgetary changes with the applicant prior to executing the Grant Award Agreement. If either of these actions is required, OES will notify the applicant prior to executing the Grant Award Agreement.

## C. **ADMINISTRATIVE REQUIREMENTS**

The following requirements apply to projects selected for funding and are explained below for the recipient's planning purposes.

### **The Recipient Handbook (RH)**

The *Recipient Handbook* is accessible on the OES Internet website at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting "*Recipient Handbooks*." The *Recipient Handbook* contains administrative information and requirements necessary to implement the project. Recipients must administer their grants in accordance with the *Recipient Handbook* requirements. Failure to comply with these requirements can result in the withholding grant funds or termination of the grant award.

The information below may be cross referenced with the *Recipient Handbook* by referencing the handbook section (RH) number.

#### 1. **Internet Access (RH 11500)**

Funded projects are required to maintain Internet access with an established e-mail address. Grant funds may be used for this purpose unless specifically prohibited by the RFP instructions.

#### 2. **Progress Reports and Data Collection (RH 10100)**

Funded projects are required to participate in data collection and to submit progress reports required by the program. Projects are required to keep accurate records to document the information reported in the progress reports. The records must be kept by the project for a period of three years. During site/monitoring visits, OES will review these records for accuracy and compare them with the reported data submitted on the progress reports.

#### 3. **Monthly/Quarterly Report of Expenditures and Request for Funds (RH 6300)**

Community-based organizations shall submit a monthly Report of Expenditures and Request for Funds (OES 201) unless they request a quarterly reporting period. Government and education agencies receiving funds will be required to report on a quarterly basis. This form is due within 30 calendar days of the end of the reporting period and must be submitted whether or not the project has incurred expenses. Delays in submitting the form OES 201 will result in the withholding of funds and may result in the recommendation to OES' Executive Director for termination of the grant award.

#### 4. **Technical Assistance/Site Visits (RH 10300)**

Funded projects are assigned an OES program specialist to oversee the progress of the project in achieving its goals, objectives and compliance with the Grant Award Agreement. Program specialists are available to assist the project in the successful implementation of the project and in meeting the administrative requirements of the Grant Award Agreement. New projects should expect a site visit from the assigned program specialist within the first six months of the grant period. Follow-up site visits will be conducted periodically throughout the life of the grant. Projects may request a site visit to obtain technical assistance.



**5. Monitoring Requirements (RH 10400)**

A monitoring visit is an onsite assessment by OES staff to determine if the project is in compliance with the terms of the program, the Grant Award Agreement, the Program Guidelines, the RFA/RFP, and the *Recipient Handbook*. Projects will be monitored on a random or as-needed basis.

**6. Bonding Requirements (RH 2160)**

Private community-based organizations and American Indian organizations are required to obtain and send to OES a notarized copy of a blanket fidelity bond or equivalent insurance contract applicable to officials and employees of OES-funded projects within 60 days of the signed Grant Award Agreement. Failure to comply with this requirement may result in the withholding of grant funds or termination of the Grant Award Agreement. The beneficiary named on the bond or an endorsement must include the "State of California, Governor's Office of Emergency Services" and include the Grant Award number for identification purposes.

The time period covered by the bond must include the effective date and total time period of the grant, including extensions. The bond must be in an amount equal to 50 percent (50%) of the total grant award and may have a deductible in an amount not to exceed one percent (1%) of the bond.

A bond is not required of a recipient sponsored by units of government. CBOs sponsored by units of government may submit documentation indicating this in lieu of the bond or insurance contract, unless specifically required terms of the program or grant award conditions.

**7. Audit Requirements (RH 8100)**

Recipients must arrange for an independent audit of the grant award and may budget a portion of the audit costs. Instructions for budgeting funds for audit costs are outlined in the *RH* Section 2234.

**8. Copyrights, Rights in Data, and Patents (RH 5300)**

OES owns rights of and reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use, in whole or in part, material produced by activities supported by a Grant Award Agreement. These ownership rights are detailed in the *Recipient Handbook*.

**9. Source Documentation (RH 10111)**

Recipients will be required to maintain source documentation to support claimed expenditures and project accomplishments. Source documentation is defined as records used to validate project activities and achievements pertaining to the objectives outlined in the Grant Award Agreement. Recipients are to retain source documentation for progress reports on a quarterly basis, regardless of submission requirements. Requirements and definitions for program specific source documentation are delineated in the RFP instructions. Recipients will be required to have written job descriptions on file for positions funded by OES detailing specific grant-related activities to achieve project objectives.

## **D. BUDGET POLICY**

This document summarizes information on OES Budget Policy contained in the *Recipient Handbook*. Additional information may be obtained by accessing the *Recipient Handbook* at [www.oes.ca.gov](http://www.oes.ca.gov) by selecting “*Recipient Handbooks*.”

### **1. Supplanting Prohibited (RH 1313)**

Grant funds must be used to supplement existing funds for program activities and **not replace** funds appropriated for the same purpose. If selected for funding, a written certification must be provided to OES indicating grant funds will not be used to supplant existing funds. Potential supplanting will be the subject of application review, post-award monitoring, and audit. The rules on supplanting are found in Section 1313 of the *Recipient Handbook*.

### **2. Project Income (RH 6610)**

Project income, such as client fees and fees for services provided by the recipient (i.e., training, presentations, etc.), asset forfeitures, profits from the sale of project products, and conference proceeds as the result of a direct trade of time or products for money must be used to offset or augment the grant, unless otherwise specified in the RFP instructions. Project income cannot be used as matching funds, unless otherwise specified in the RFP instructions.

### **3. Contract and Procurement (RH 3400)**

A competitive bid process is required to purchase equipment or consultant services with grant funds. Noncompetitive bid contracts are disfavored. Noncompetitive bid request approval by OES program staff is required prior to the purchase of equipment in excess of \$5,000, or to hire a specific consultant charging over \$5,000. Local units of government may use their approved procurement policy except for contracts over \$50,000. For organizations without a written procurement policy, a competitive bid process involves determining the specifications for the items needed and obtaining at least three bids from different vendors. Whenever a specific individual/organization name is identified in the project budget, a statement stating the selection of the individual organization was made competitively or a noncompetitive bid request will be required. OES will provide assistance in submitting a noncompetitive bid request if the proposal is selected for funding and if OES determines it is in the best interest of the project. These procedures do not apply to funds shared with participating agencies under the terms of an Operational Agreement (see Section 4500, *Recipient Handbook*).

### **4. Match Policies (RH 6500)**

The RFP Instructions (Part II) may specify a cash or in-kind match. When used to augment the project, expenditures for items such as Personal Services, Operating Expenses or Equipment are considered match if not in violation of the prohibition on supplanting. Match must be specified in the budget and will become part of the Grant Award Agreement. Specific instructions for calculating the match are provided below. There are examples of how to calculate the match requirement in Sections 6550-6550.2 of the *Recipient Handbook*.

## 5. **Travel Policies (RH 2236)**

The following is OES' current travel policy:

### a. **Selection of Travel Policy (RH 2236)**

The applicant may prepare the budget using its own travel policy or the state travel policy according to the following guidelines. Travel reimbursement will only be allowed based on actual costs.

#### 1) Units of Government

Units of government may use their own written travel policy or the state policy.

#### 2) Community-Based Organizations (CBO)

A community-based organization may use the state travel policy or the applicant's written policy up to the maximum rates allowed by the state travel policy.

### b. **State Travel Policy (RH 2236.2)**

Use the following state travel policy for budgeting travel expenses:

#### 1) Out-of-State Travel

Out-of-state travel is restricted and only allowed in exceptional situations. Requests for approval for out-of-state travel must be submitted for OES approval.

#### 2) Mileage

When a privately owned vehicle is utilized on project-related business, a maximum of 48.5 cents per mile is allowed, unless a higher rate is justified. Documentation justifying a higher rate must be on file and available for audit, but should not be submitted with the proposal.

#### 3) Meals and Incidentals

##### a) Breakfast \$6.00

Breakfast may be claimed when travel commences at or prior to 6:00 a.m. Breakfast may be claimed on the last fractional day of a trip of more than 24 hours if travel terminates at or after 8:00 a.m.

##### b) Lunch \$10.00

Lunch may not be claimed for travel less than 24 hours. Lunch may be claimed if the trip begins at or before 11:00 a.m. and may be claimed on the last fractional day of a trip of more than 24 hours if the travel terminates at or after 2:00 p.m.

c) Dinner \$18.00

Dinner may be claimed if the trip begins at or before 5:00 p.m. Dinner may be claimed when travel terminates at or after 7:00 p.m., whether on a one-day trip or on the last day of a trip of more than 24 hours.

d) Incidentals \$6.00

Incidentals may be claimed for trips of 24 hours or more.

e) Total Per Diem

The maximum is \$40.00 for a 24-hour period.

4) Lodging

The maximum allowed lodging expense is \$84.00, plus applicable taxes, (except as noted below). Lodging receipts are required for reimbursement.

5) Special Lodging Rates

The maximum allowed lodging rate in Los Angeles and San Diego counties is \$110, plus applicable taxes. The maximum for Alameda, San Francisco, San Mateo, and Santa Clara counties is \$140, plus applicable taxes.

6) Other

Taxi, airport shuttle, etc., which exceed \$3.50 must be supported by receipt. Parking in excess of \$10.00 must be supported by receipt.

**6. Participating Staff (RH 4500)**

The term “participating staff” refers to salaried employees of a participating agency assigned to work with the recipient on the implementation of a project. The agreement between the recipient and the participating agency concerning participating staff must be reflected in the OA. Grant related costs associated with participating staff must be itemized in the Operating Expenses category of the grant budget.

**7. Consultant Services (RH 3710)**

Consultant services are provided on a contractual basis by individuals or organizations not directly employed by the applicant. Independent contractors must not be used in lieu of employees. Independent contractors are defined as individuals or organizations meeting some or all of the following criteria:

- produce a specific product or service;
- work independently without direct supervision from the applicant;
- work on specific projects;
- provide services for a limited number of hours or period of time; and/or

- have no agency management or oversight responsibilities directed toward the financial success or direction of the agency.

**a. Rates**

The maximum rate for independent contractors is \$250 per hour (excluding travel and subsistence costs). A request for compensation for over \$250 per hour requires **prior approval** and additional justification.

1) Independent Contractors Employed by State and Local Government

Compensation for independent contractors will be allowed when the unit of government will not provide its services without cost. In these cases, the rate of compensation is not to exceed the daily salary rate paid by the unit of government.

**b. Expert Witness Fees (RH 3710.2)**

Projects, which routinely utilize “expert witnesses” as independent contractors to conduct evaluations and provide expert testimony in the courtroom, may budget for this expense. However, the project may only be charged for costs above what the jurisdiction is required to cover. The maximum allowable rate for such witness fees is \$250 per hour up to \$2,000 per day. The total amount budgeted for expert witness fees must not exceed ten percent (10%) of the project’s total budget. Requests for proposed expert witness costs must be accompanied by written justification indicating the following:

- qualifications, training, and experience of the expert(s), including a statement regarding recognition by the court of the individual as an expert;
- specialized certification/licensure [e.g., Masters in Social Work (MSW); Licensed Clinical Social Worker (LCSW), Marriage and Family Therapist (MFT); Medical Doctor (MD)];
- rate of pay per hour including documentation of a survey of the availability of similar consultants, the current “going rate,” and the proposed rate of pay with a cost breakdown if expert is paid according to services (e.g., mileage, waiting time, court testimony);
- proposed services to be provided (e.g., analysis of forensic evidence, psychological evaluation); and
- justification why this cost cannot be paid with other funds (Attach the justification to OES A303b).

**8. Facility Rental (RH 2232)**

Up to \$21 per square foot annually (\$1.75 per square foot per month) is allowed for facility rental. If the rental cost for office space exceeds this rate, it must be consistent with the prevailing rate in the local area. This documentation must be on file and available for audit and should not be submitted with the proposal.

**a. Rental Space for Training and Counseling Rooms (RH 2232.1)**

Rental space for training and individual and/or group counseling rooms may also be charged to the grant, providing the charge is based on actual costs and not reimbursed by other source.

**9. Rented or Leased Equipment (RH 2233)**

An explanation and cost analysis is required when equipment rented or leased. This analysis must demonstrate it is more cost-effective to rent or lease the equipment than it is to purchase it, and must be approved by OES prior to the execution of a rental or lease agreement.

**10. Indirect Costs/Administrative Overhead (RH 2220)**

Indirect costs are those not readily itemized or assignable to a particular project, but necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, accounting services and administrative salaries are examples of indirect costs. Flat rates not exceeding ten percent (10%) of personnel salaries (excluding benefits and overtime) or five percent (5%) of total direct project costs (excluding equipment) may be budgeted by applicant for indirect costs if allowable by the funding source.

**11. Audits (RH 8150)**

OES projects expending \$25,000 or more of OES grant awards are required to complete and audit. The project may budget for the cost of obtaining a financial audit. Allowable audit costs are as follows:

- if the total amount of the grant is less than or equal to \$150,000, the applicant may budget up to \$2,000 for the financial audit cost; or
- if the total amount of the grant is greater than \$150,000, the applicant may budget up to one and a half percent (1.5%) of the total grant for financial audit cost.

**12. Equipment (RH 2300)**

Equipment is defined as nonexpendable tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit (including tax, installation and freight).

A line item is required for different types of equipment, but not for each specific piece of equipment (e.g., three laser jet printers should be one line item, not three).

**a. Allowable Expenses**

Equipment used solely for project activities may be budgeted if it is essential to the implementation of the project. Grant funds may not be used to reimburse the recipient for equipment already purchased.

Rented or leased equipment must be budgeted as an Operating Expense. Lease-to-purchase agreements are generally not allowable. If a lease-to-purchase is requested, the project will be required to submit justification, including cost-effectiveness, with the Grant Award Forms Package. Prior approval by OES is required.

**b. Computers (*RH 2340*)**

1) Community-Based Organizations (*RH 2342.1*)

Community-based organizations may budget up to \$25,000 in computer equipment, software, and related costs. Justification will be required if the proposal is selected for funding. OES will evaluate the proposed purchase on the basis of grant-related need. Prior approval by OES is required.

2) Units of Government (*RH 2342.2*)

Units of government may budget for computer equipment, software, and related costs. Justification will be required if the proposal is selected for funding. OES will evaluate the proposed purchase on the basis of grant-related need. OES must give approval prior to purchase. If federal grant funds totaling in excess of \$100,000 are used for automated data processing purchases, prior federal approval is also required.

3) Computer Purchase Justification (*RH 2341*)

Approval for purchases of computers and automated equipment is contingent on the applicant's ability to demonstrate cost-effective, project-related need which is best demonstrated by clearly relating each computer system or component to the grant objectives and activities. If selected for funding, the applicant will be sent instructions for preparing the justification.

**c. Automobiles (*RH 2331*)**

Automobiles are not allowable items unless permitted by the terms of the program. If an automobile is included in the budget, substantial justification demonstrating the grant-related need will be required before finalization of the Grant Award Agreement. The justification must describe the need for the automobile, including the size of service area, the need to provide direct service away from the office, and the reason why the agency will not allow personal automobiles usage during work hours. A cost analysis for automobile purchase as compared to other options including lease and personal automobile use and mileage, must be done and kept on file for review by OES's program staff during a site visit, monitoring visit, and/or audit.

**13. Prohibited Expense Items (*RH 2240*)**

**a. Lobbying (*RH 2242*)**

Refer to *RH 2242.1* for an extensive list of prohibited activities.

**b. Fundraising (*RH 2243*)**

OES grant funds cannot be used for organized fundraising including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions.

**c. Real Property and Improvements (RH 2244)**

Real property, including land, land improvements, structures and their attachments, and structural improvements and alterations are not allowable expenditures unless specifically authorized in the RFP instructions.

**d. Interest (RH 2245)**

The cost of interest payments is not an allowable expenditure unless the cost is a result of a lease/purchase agreement.

**e. Food and Beverages (RH 2246)**

The cost of food and/or beverages at grant-sponsored conferences, meetings or office functions is not an allowable expenditure.

**f. Weapons and Ammunition (RH 2247)**

The cost of weapons and/or ammunition of any type is not an allowable expenditure, unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFP instructions.

**g. Membership Dues (RH 2248)**

The cost of membership dues for projects involved in the licensing or credentialing of professional personnel is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized in the RFP instructions.

**h. Professional License (RH 2248)**

The cost of a professional license is not an allowable expenditure unless specifically authorized in the RFP instructions.

**i. Annual Professional Dues or Fees (RH 2248)**

The cost of professional dues or fees is not an allowable expenditure unless it is part of a governmental negotiated benefit package or is specifically authorized by the RFP instructions.

**j. Charges, Fees and Penalties (RH 2245)**

Finance charges, late payment fees, penalties and returned check charges are not allowable expenditures.

**k. Depreciation (RH 2249)**

Equipment costs may not include additional costs calculated for depreciation.



## GLOSSARY OF TERMS

Term	Definition
Activity	The specific steps or action a project takes to achieve a measurable objective.
Application	Once selected for funding, the original proposal and additional forms as required by OES becomes the application. This application, once signed by the OES director or designee and the local government agency or organization authorized to accept grant funding, becomes the Grant Award/Grant Award Agreement.
Community-Based Organization (CBO)	A documented, tax exempt, nonprofit, public benefit corporation serving the community. This term is used synonymously with nonprofit organization.
Equal Employment Opportunity Plan (EEOP)	A comprehensive plan analyzing the agency's workforce and all agency employment practices to determine their impact on the basis of ethnicity and gender.
EEOP Guidelines	Extensive description of state and federal civil rights requirements and what constitutes an EEOP (samples, forms, etc.). The document was prepared to assist recipients in ensuring nondiscrimination and in the development, implementation, and/or improvement of their EEOP for compliance with the law.
Grant Award/Grant Award Agreement	The signed agreement between OES and the local government agency or organization authorized to accept grant funding.
Grant Award Forms	The forms needed to prepare an application or proposal. They may be accessed on the OES website under "Forms" ( <a href="#">FORMS</a> )
Grant Funding Cycle	The number of years a program <b>may</b> be funded without soliciting a new competitive Request for Proposal. A funding cycle is typically three years.
Grant Funding Period	The period of time, determined by the Request for Proposal (RFP) or the Request for Application (RFA) which the project narrative, objectives, activities, and budget cover. The time period is usually one year, and is shown on the Grant Award Face Sheet (OES A301).
Implementing Agency	The agency or organization designated on the Grant Award Face Sheet responsible for the day-to-day operation of the project (e.g., probation department, district attorney, sheriff).
Noncompetitive Bid Contract	A contract for goods or services, where only a single source that can provide the services or goods is afforded the opportunity to offer a price for the specified services or goods. (Contracts sometimes include goods as well as services, and this definition will also apply to those circumstances.)
Nonprofit Organization	A documented, tax exempt, nonprofit, public benefit corporation serving the community. The term is used synonymously with CBO.
Objectives	A set of quantifiable projections to be carried out in order to accomplish the program goals.

Term	Definition
Operational Agreement (OA)	A formal agreement between two agencies which specifies the responsibilities of each agency in implementing the project, including the transfer of grant funds when appropriate. This includes MOUs, Letters of Intent, etc.
Participating Agency	An organization that receives grant funds through an Operational Agreement to participate in achieving the goals of a project. The participating agency must be a unit of government or a community-based organization.
Program	A specific set of goals and objectives established pursuant to legislative, congressional, or administrative action identifying an unmet need of law enforcement or victim services and supported by an appropriation from state or federal funding sources.
Program Guidelines	The instructions concerning the programmatic and administrative requirements unique to a particular OES grant-funded program.
Project	The implementation of a program's goals and objectives by a funded state or local government agency or CBO.
Proposal	The packet of information and forms required by the RFP and submitted to OES which specifies the priorities, strategies and objectives of the applicant.
Recipient	The agency or organization designated on the Grant Award Face Sheet which receives the grant funds and who will be responsible for accomplishing the planned objectives and program goals (e.g., County of Alameda, City of Fresno, State Department of Justice, or Fairfield Youth Services Bureau).
Recipient Handbook	This handbook outlines the administrative and fiscal terms and conditions required of grant projects. Funded projects must administer their grants in accordance with these conditions. The <i>Recipient Handbook</i> is accessible on the OES website at <a href="http://www.oes.ca.gov">www.oes.ca.gov</a> by selecting "Recipient Handbooks."
Request for Application (RFA)	The RFA is a packet of instructions and forms issued by OES to obtain applications from applicants through a noncompetitive process.
Request for Proposal (RFP)	The RFP is a packet of instructions and forms issued by OES to solicit competitive proposals in order to select projects for funding.
Supplanting	Supplanting is the deliberate reduction of federal, state, or local funds due to the existence of OES funds thereby reducing the total amount available for the stated purpose.
Terms of the Program	The applicable Program Guidelines, application requests [Request for Proposal (RFP)/Request for Application (RFA)], grant award agreement, OES policy statements, and applicable statutes. In the event the terms of the program are inconsistent with the provisions of this handbook, the terms of the program shall be interpreted and construed as superseding the provisions of this handbook.

**GOVERNOR'S OFFICE OF EMERGENCY SERVICES  
LAW ENFORCEMENT AND VICTIM SERVICES DIVISION**

**TRIBAL RESOURCE SPECIALIST PROGRAM  
COMPETITIVE REQUEST FOR PROPOSAL**

**RATING FORM**

	Control #:
	Rater #:
APPLICANT:	
FUNDS REQUESTED:	
PREFERENCE POINTS: <input type="checkbox"/> zero <input type="checkbox"/> 2% <input type="checkbox"/> 5%	

<u>CATEGORY</u>	<u>TOTAL POINTS POSSIBLE</u>
1. PROBLEM STATEMENT.....	<u>24</u>
2. PLAN and IMPLEMENTATION .....	<u>54</u>
3. BUDGET .....	<u>10</u>
4. COMPREHENSIVE ASSESSMENT .....	<u>12</u>
<b>TOTAL .....</b>	<b>100</b>

Each of the above categories contains questions assigned a point value. The point scale is divided into five columns labeled **I, II, III, IV, and V**. The applicant's response to each question is evaluated on the following criteria:

- I. ABSENT:** The response does not address the specific question or a response was not provided.
- II. UNSATISFACTORY:** The response does not completely address the question. Information presented does not provide a good understanding of applicant's intent, does not give detailed information requested by the RFP, or does not adequately support the proposal or the intent of the program.
- III. SATISFACTORY:** The response addresses the question, providing a good understanding of the applicant's intent. Response adequately supports the proposal and the intent of the program.
- IV. ABOVE AVERAGE:** The response is above average, providing a clear and detailed understanding of the applicant's intent. The response presented a persuasive argument supporting the proposal and the intent of the program.
- V. EXCELLENT:** The response is outstanding, with clear, detailed and relevant information. The response presented a compelling argument supporting the proposal and the intent of the program.

	I	II	III	IV	V
<b>1. PROBLEM STATEMENT (Maximum 25 points)</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>6</b>
a. How well does the applicant describe the problem and the need for the Tribal Resource Specialist Program?					
b. How well does the applicant describe its current system's response to the problem?					
c. How well does the applicant describe how the Tribal Resource Specialist Program will address the problem?					
d. How well does the applicant describe its target population?					
<b>2. PLAN AND IMPLEMENTATION (Maximum 50 points)</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>4</b>	<b>6</b>
a. How well does the applicant describe the qualifications, experience, and expertise necessary for the staff position?					
b. How well does the applicant describe the establishment of linkages with relevant agencies?					
c. How well does the applicant describe its plans for tracking each ICWA case and helping them navigate the child protective services system?					
d. How well does the applicant describe its plan to help streamline the referral process and identify gaps in the existing service delivery and where improvements are necessary for Native American children at-risk or experiencing child abuse and/or neglect?					
e. How well does the applicant describe plans for assisting in the development of local written protocols to improve the exchange of information, coordination, and handling of Indian child welfare cases?					
f. How well does the applicant describe plans and systems to document and maintain data/information for inclusion in a final report?					
g. How well does the applicant describe its agency size, composition, primary mission, range and focus of services, and the role it will have within the agency?					
h. How well does the applicant describe its history, knowledge, and experience in working with county and tribal child protective service agencies to support effective implementation of the Program and serve as the lead agency on issues related to child abuse, child welfare, and ICWA?					
i. How well does the applicant describe the duties, responsibilities, time commitments, and the qualifications of staff assigned to the project?					

	I	II	III	IV	V
<b>3. BUDGET, including budget narrative (Maximum 10 points)</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
a. How well does the budget narrative support the proposal objectives and activities, and the intent and requirements of the program?					
b. How well are the funds allocated in the Budget Category Forms? How well do the line items support the proposal plan, objectives, and activities of the program?					
<b>4. COMPREHENSIVE ASSESSMENT (Maximum 15 points)</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>
How well does this proposal support the overall intent, goals, and purpose of the program?					

## SUMMARY OF PAST PERFORMANCE POLICY

The following is a summary of OES' Past Performance Policy. A complete copy may be obtained by sending a written, fax or email request to the attention of the Deputy Director of Law Enforcement and Victim Services Division:

Governor's Office of Emergency Services  
Law Enforcement and Victim Services Division  
3650 Schriever Avenue  
Mather, CA 95655  
Attn: TS RFP – Victim Justice Section  
Fax: (916) 327-5674

### 1. General Policy

This policy is intended to penalize existing recipients having serious performance problems and will be utilized only in connection with the RFP process on the awarding of grants for new funding cycles. It was developed in consultation with OES' advisory groups.

### 2. Penalty Levels

Level A: Complete disqualification from RFP process.

Level B: 10% point reduction of total possible points from an applicant's score.

### 3. Standard For Invoking This Policy

The standard for invoking either penalty is whether the applicant's compliance with grant terms and conditions falls **significantly** below average — far below the level to be expected of other recipients, and not minor incident(s) of noncompliance with OES policies.

#### ***a. Serious Performance Problems Eligible For Consideration***

Performance problems which would qualify under this policy include, but are not limited to:

- 1) significant failure to account for use of funds, mishandling/misuse of funds, fraud or embezzlement, or other material accounting irregularities or violation(s), as documented in an audit report, monitoring report, police report, or other similar objective documentation;
- 2) violation(s) of material statutory requirements related to the grant;
- 3) a willful or grossly negligent violation of an OES policy, or Terms of the Program, but **only after** the recipient had been provided:
  - a) technical assistance by OES, including a site visit if necessary, to remedy the violation;
  - b) at least one written notice (per violation); and
  - c) a reasonable opportunity to remedy the violation.

Written notice of serious performance problems will be provided to the recipient's executive officer. Failure to remedy the violation may negatively impact the recipient's eligibility for future funding.

It is not necessary for a criminal conviction to have occurred for OES to consider actions appearing to constitute fraud, embezzlement, mishandling of funds or other types of statutory violations. OES must only have reliable evidence this conduct occurred. Moreover, only properly documented performance problems will be considered.

**b. Factors Considered**

In determining an appropriate penalty, factors to be considered include, but are not limited to:

- 1) the seriousness of the problem;
- 2) whether the problem identified were intentional;
- 3) whether the problem revealed dishonest behavior by the applicant;
- 4) whether the interests of the State or the public were harmed by the problem;
- 5) whether the problem or problems were a one-time occurrence or represent an ongoing pattern of behavior;
- 6) whether the problem was documented objectively; and
- 7) whether OES attempted to assist the recipient in remedying the problem.

**c. Specific Examples**

Performance problems should be considered on a case-by-case basis, with the totality of the circumstances to be considered. The following examples are not intended to be binding or restrictive of OES' authority to determine the appropriate penalty in a particular case:

- 1) OES conducts a visit of a project and makes the following findings:
  - a) the shelter failed to pay overtime on two occasions;
  - b) three timesheets did not contain a supervisor's approval; and
  - c) the project's doors opened at 9:30 a.m. instead of 9:00 a.m. as stated on its RFP proposal.

A corrective action plan is developed and the recipient takes steps to address the findings. Communication with the recipient four months later shows the findings have been corrected.

**Penalty: None**

- 2) An audit a year ago discovered a project employee embezzled \$300 of OES funds. The audit concludes this occurred in part due to inadequate management controls and supervision by the project. The employee was fired and the case submitted to the district attorneys office for prosecution. The recipient has implemented new accounting and management policies and procedures, and promises to better supervise its employees. No other problems with the recipient are known.

**Penalty: Level B**

- 3) A project has agreed to provide victim advocacy services in County X. The recipient spends \$40,000 on non grant related expenses but does not provide the services. This is documented in the site visit report. The project's Progress Reports to OES report the services are being provided. OES refers the matter to the district attorney for prosecution, but no additional steps have yet been taken.

**Penalty: Level A**

#### **4. Notification to the Applicant and Appeal of Decision**

A letter will be sent by certified mail to the applicant denied funding due to past performance problem(s). The applicant shall be provided with a summary of why the performance problem penalty was invoked. The applicant is entitled to appeal the denial of funding on the same basis as other appeals of denial of funding, pursuant to the Appeals Guidelines.